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Measures to eliminate international terrorism

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 8 of General Assembly resolution 50/53, as read together with Assembly resolution 68/119 on measures to eliminate international terrorism. In sections II.A and B, the report contains information on measures taken at the national and international levels, based on submissions from Governments and international organizations. Section III contains a list of international legal instruments. Section IV provides information on workshops and training courses on combating crimes connected with international terrorism.

* A/69/150.



I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 50/53, as read together with resolution 68/119.
2. The attention of all States was drawn to General Assembly resolution 49/60 and the Declaration on Measures to Eliminate International Terrorism annexed thereto, and they were requested to submit, by 30 May 2014, information on the implementation of paragraph 10 (a) of the Declaration. Section II.A below contains a summary of the replies received.
3. Relevant specialized agencies and other relevant international organizations were also invited to submit, by 30 May 2014, information or other pertinent material on the implementation of paragraph 10 (a) of the Declaration. Section II.B below contains a summary of the replies received.
4. The summaries of the replies focus on matters referred to in paragraphs 10 (a) and (b) of the Declaration, namely: (a) collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing; and (b) national laws and regulations on counter-terrorism.

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

A. Information received from Member States

Austria

5. The Government of Austria reiterated the information contained in a previous report of the Secretary-General on measures to eliminate international terrorism (A/67/162, paras. 5-8). Moreover, following improvements to its system for countering money-laundering and the financing of terrorism, including amendments to its Penal Code in relation to the financing of terrorism, the increase made in July 2013 in the term of imprisonment and remedial action for the insufficient coverage of individual terrorists, Austria had been removed from the Financial Action Task Force's regular follow-up process in February 2014.

Colombia

6. The Government of Colombia provided information on its most recently concluded multilateral, regional and bilateral counter-terrorism agreements. In addition to those signed prior to 2013, which included an inter-agency cooperation agreement signed in 2012 between the national police and the Office of the Attorney General of Mexico on countering transnational organized crime, with an emphasis on terrorism, the following agreements had been signed in 2013: (a) an agreement between the Director-General of the national police and the Civil Guard of Spain on collaboration and mutual support on police matters, with a view to ensuring smooth

and continuous cooperation in that area; and (b) an agreement on maritime cooperation between the Ministry of Defence and the Ministry of Defence of Guatemala to ensure continued maritime cooperation between the two countries. In addition, over the previous three years, Colombia had signed two cooperation agreements with the Bogotá office of the United Nations Office on Drugs and Crime (UNODC) on promoting efforts to prevent and combat terrorism within Colombia and in the region. Colombia highlighted in that context the establishment of an inter-agency committee on preventing and combating terrorism, terrorist financing and related serious crimes, as well as the development of a technical tool for simulating criminal investigations into terrorism, the financing of terrorism, money-laundering and extortion.

7. The penal regime in Colombia for addressing terrorism had established a national terrorism prosecution unit, which operated under the policy framework of the Colombian Penal Code, established by Act No. 599 of 2000, and the Code of Criminal Procedure, established by Act No. 600 of 2000 and Act No. 906 of 2004.

8. Colombia had issued two new policies against money-laundering and the financing of terrorism in 2013: document No. 3793, issued on 18 December 2013, the aim of which was to enhance the effectiveness of efforts to prevent, detect, investigate and prosecute money-laundering and the financing of terrorism in order to achieve greater success in dismantling unlawful organizations; and Act No. 1708, approved on 20 January 2014, which was aimed at promulgating the Asset Forfeiture Code and unifying existing legislation on the mechanism for seizing property that had been acquired illegally or used in the commission of unlawful acts.

9. During 2012 and 2013, 19 convictions for acts of terrorism or acts related to terrorist activities had been handed down. Colombia also provided information on three recent counter-terrorism cases that demonstrated the national resolve to tackle indiscriminate attacks by criminal organizations operating in the country and the decisive action taken to investigate and convict those responsible in order to prevent further attacks on civilians. In addition, those cases demonstrated the importance of areas such as intelligence and international cooperation to prevent attacks and to prosecute the perpetrators, wherever they might hide.

10. Between 2005 and 2013, Colombia trained 17,352 individuals from 47 countries in various areas of cooperation, in particular those related to countering the world drug problem, preventing and controlling criminal phenomena, strengthening military and police expertise, enhancing public security and ensuring organizational development. During 2012, security training had been provided to 3,362 individuals from 25 countries, including Argentina, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama and Peru. Similarly, in 2013, training had been provided to 7,627 officers from 36 countries, including El Salvador, Guatemala, Honduras and Panama.

Cuba

11. The Government of Cuba updated the information contained in paragraph 12 of the previous report of the Secretary-General on measures to counter international terrorism (A/68/180), reporting that it was now a party to 16 universal counter-terrorism instruments. It had ratified the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation on 22 March 2013 and the Amendment

to the Convention on the Physical Protection of Nuclear Material on 16 September 2013.

12. Furthermore, Cuba set out new measures that it had implemented during the reporting period. Resolution 51/2013 of the Central Bank of Cuba had been published in the Official Gazette on 7 June 2013 and instructions 26/2013, 26bis/2013 and 31/2013 had been promulgated by the Superintendent of the Central Bank of Cuba to regulate the obligations of financial institutions and the freezing of funds linked to the financing of terrorism and the proliferation of weapons of mass destruction. The Cuban Penal Code and Act No. 93 (the Counter-Terrorism Act), had been amended by Decree-Law No. 316 of 7 December 2013. Among other major amendments, under that Decree-Law, adjustments had been made to the definition of criminal offences relating to terrorist acts committed using nuclear or radioactive material or ionizing substances and the range of offences that constituted money-laundering had been broadened, in line with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Transnational Organized Crime. With respect to Act No. 93, the Decree-Law also contained details of certain elements of the crime of financing of terrorism. The new law had come into effect on 19 December 2013. Decree-Law No. 317, on the prevention and detection of transactions related to money-laundering, the financing of terrorism, arms proliferation and illicit capital flows, had also been signed. That law raised the legal status of existing provisions on the identification and immediate freezing of assets linked to terrorist individuals or entities, pursuant to the relevant Security Council resolutions.

13. Cuba reported that the Financial Transactions Investigations Directorate, which handled the freezing of accounts with financial institutions in the case of specific illegal acts, had received 214 suspicious transaction reports in 2013 and 44 such reports in the first quarter of 2014; of those, 123 had been forwarded to the competent authorities as potential offences.

14. On the topic of judicial and executive cooperation with other countries and with the International Criminal Police Organization (INTERPOL), Cuba reiterated the information contained in paragraph 14 of A/68/180 and paragraph 11 of A/67/162. On the topic of nuclear, biological and chemical weapons, and the unilateral compilation by the United States of America of a list of alleged State sponsors of terrorism, Cuba also reiterated its views set out in paragraph 15 of A/68/180, paragraph 12 of A/67/162 and paragraph 17 of A/66/96.

15. Cuba further reiterated information contained in paragraph 14 of A/68/180. On 15 April 2014, its Ministry of Foreign Affairs had signed resolution 85/2014, concerning cooperation among States and relations between the Security Council and national entities for the prevention and suppression of money-laundering, the financing of terrorism, arms proliferation and illicit capital flows. Cuba had played an active role in and had given support to statements on counter-terrorism made by regional groups (the Community of Latin American and Caribbean States, the Caribbean Community and the Bolivarian Alliance for the Peoples of Our America) and the Movement of Non-Aligned Countries. It also restated information contained in paragraphs 17-19 of A/66/96, paragraphs 10-11 of A/67/162 and paragraph 13 of A/68/180.

El Salvador

16. The Government of El Salvador reported that it was a party to most regional and international treaties relating to terrorism, as it deemed it particularly important to have the necessary legal instruments in place to be able to effectively prevent, investigate and punish acts of international terrorism, in accordance with the requirements of the rule of law. It indicated that a coherent legal framework to address terrorism was encapsulated in its Special Law against Terrorist Acts of 2006, which provided for the appropriate legal instruments and trained personnel to deal with any international terrorist incident that might occur.

17. El Salvador noted that its Attorney General had been appointed Deputy Chair of the Caribbean Financial Action Task Force for the period November 2013 to November 2014. It indicated that it was working and cooperating with other States to combat money-laundering effectively, which, inter alia, allowed a joint response to the problem of terrorist financing and to the strengthening of procedures to identify and freeze assets linked to that crime. No acts of international terrorism had been recorded within Salvadorian territory.

Finland

18. The Government of Finland reported that an updated version of its counter-terrorism strategy had been adopted in March 2014. The main objective of the strategy was to prevent terrorist activities within Finland and beyond national borders and to prepare for threats abroad to which Finns might be exposed. Counter-terrorism activities in Finland were based on close cooperation with all relevant authorities and actors within Finnish society. Finland also highlighted its active participation in counter-terrorism work in the framework of the United Nations, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe. The Finnish Security Intelligence Service was a member of the Counter Terrorism Working Group, under the auspices of the European Police Office (Europol), and the counter-terrorism working group of the European police units responsible for combating terrorism (the Police Working Group on Terrorism). Finland was also a member of the Financial Action Task Force, which, in June 2013, had recognized that Finland had made significant progress in improving its framework to counter money-laundering and the financing of terrorism and had consequently removed it from its regular follow-up process.

19. The new Police Act (872/2011) and Coercive Measures Act (806/2011) of Finland had entered into force on 1 January 2014; the latter Act covered new forms of covert coercive measures for use by criminal investigation authorities, including investigations concerning terrorist offences. The report of the working group set up by the Ministry of Justice dealing with questions related to the provisions of the Penal Code relating to terrorist offences had been sent to the relevant authorities for comments in January 2013. A Government proposal (18/2014) had been drafted and delivered to Parliament in April 2014. The proposal included the potential expansion of the scope of the criminalization of the financing of terrorism and of the criminalization of receiving training for terrorism, which would amend chapter 34 (a) of the Penal Code. The proposed punishment for receiving training for terrorism ranged from fines to imprisonment for up to three years.

20. Finland also provided updated information on the first pretrial investigation into terrorism-related offences carried out in the country (see A/68/180, para. 17,

and A/67/162, para. 17), noting that the consideration of charges had begun in early 2014. Finland also provided information on the legal framework surrounding the preconditions for the entry of aliens into Finland, as connected to counter-terrorism issues, in particular that an alien should not be deemed to jeopardize public order and safety: participation in terrorist activities and support thereof, and membership of a terrorist organization, including suspicion thereof, were grounds for such a finding.

Haiti

21. The Government of Haiti submitted the text of two national laws addressing money-laundering and the financing of terrorism, dated 21 February 2001 and 11 November 2013.

Hungary

22. The Government of Hungary reiterated the information on its participation in universal and regional counter-terrorism instruments contained in A/67/162 (paras. 18-19) and confirmed that the new Criminal Code (Act C of 2012 on the Criminal Code) had entered into force on 1 July 2013. Hungary also reiterated that it maintained several bilateral agreements related to counter-terrorism, organized crime and trafficking in drugs (see A/68/180, para. 22) and indicated that it had concluded additional agreements with Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden and Switzerland. Hungary further reiterated the information set out in paragraph 23 of A/68/180.

23. Hungary reiterated the information contained in paragraph 24 of A/67/162 and noted that the two Hungarian citizens had been freed in June 2013, without the payment of a ransom, after being kept by various armed groups in the border region between Iraq and the Syrian Arab Republic for more than a year.

Jordan

24. The Government of Jordan provided a list of the various counter-terrorism instruments to which it had acceded, which included nine universal counter-terrorism instruments, five regional instruments and three bilateral instruments. It stressed the importance that it attached to all forms of cooperation and exchange of information, and noted that such practices had enabled it to increase the effectiveness of its security agencies' efforts to counter terrorist organizations and to prevent their expansion abroad, to suppress such organizations and to limit their members' movements.

25. The Penal Code (2001) of Jordan had been amended to include more severe penalties for any act of terrorism. Under Law No. 8 (2011), the Penal Code had been amended to make it a criminal act for any person to leave Jordan for the purpose of joining armed groups or terrorist organizations, or to recruit and train individuals inside Jordan or abroad for the purpose of joining such groups or organizations. The Counter-Terrorism Law had been promulgated in 2006 with the aim of, among others, countering the financing of terrorism and the recruitment of terrorists. One aspect of the law authorized the public prosecutor, upon receipt of reliable information connecting an individual to terrorist activities, to order the monitoring of that individual's residence, movements and communications, to prohibit him or her from travelling and to order the search of his or her residence, the confiscation

of any item related to terrorist activities and the temporary seizure of any funds suspected of being connected to terrorist activities. All of those actions should be carried out under the supervision of the judicial authorities and could be appealed against before the courts. The Counter-Terrorism Law had been amended in 2014 and the definition of terrorism, as set out in Law No. 55 (2006), had been amended so as to ensure that it was compatible with new criminal legislation and that it was more comprehensive.

26. The Countering the Financing of Terrorism Law had been promulgated in 2007. It had been amended in 2010 and renamed the Anti-Money Laundering and Countering the Financing of Terrorism Law. The Law, *inter alia*, was aimed at promoting cooperation between the Jordanian judicial authorities and foreign judicial authorities, particularly with regard to assistance, letters rogatory, the extradition of wanted or convicted persons and requests from foreign authorities concerning the tracing, freezing or seizure of funds connected to the financing of terrorism or derived therefrom. With regard to border controls, Law No. 20 (1998), on customs in Jordan, conferred judicial police powers upon customs officers, with a view to facilitating investigations and countering smuggling. Under the amended Penal Code (2011), any person entering or exiting Jordan illegally, or helping another person to do so, should be imprisoned for a period of no less than three months.

27. Jordan continued to implement its obligations under the sanctions regimes imposed by the Security Council, and its National Committee to Combat Money-Laundering and the Financing of Terrorism had issued a set of instructions to relevant institutions. Jordanian national institutions also played a vital role in suppressing the funding of terrorism. Work had begun on amending the instructions concerning money-laundering and the financing of terrorism to bring them into line with the amendments made to the recommendations of the Financial Action Task Force.

28. Jordan reiterated the information set out in paragraphs 33-35 of A/68/180, with regard to the role of several competent Jordanian authorities focused on eliminating terrorism at the national level. In addition, Jordan set out the role of its customs authorities in countering terrorism, including through the inspection of travellers, means of transport and goods entering from all over the world at border posts located at the country's various land, sea and air entry and exit points. Those activities were conducted in accordance with the relevant Security Council resolutions. Jordan reported on its dispatch of officials trained in counter-terrorism to border posts and its provision of all posts with the equipment needed to detect any substances that might be employed in the manufacture of dangerous items.

29. Jordan also highlighted a number of international and regional initiatives focused on awareness-raising and countering extremism that it had launched. They included World Interfaith Harmony Week, proclaimed by the General Assembly and held during the first week of February every year, and the Amman Message, an initiative about Islam. Since 2008, Jordan had assigned great importance to the rehabilitation of extremists and had launched a programme in that regard.

Mexico

30. The Government of Mexico underscored the important role of international and regional cooperation in countering terrorism, emphasizing the need to respect human rights while undertaking such cooperation.

31. On the legislative front, since 2013, the general provisions on countering terrorism financing and money-laundering had been applied to foreign exchange bureaux, money remitters, insurers and credit and guarantee institutions; since March 2014, the offence of terrorism under the Federal Penal Code had included the contribution or collection of economic funds or resources of any type intended to finance or support terrorist activities.

32. Mexico, seeking to establish and strengthen its counter-terrorism and risk-prevention capacities, had held national and regional capacity-building workshops and workshops on best practices in border and customs control, tourism security, protection of critical infrastructure, cybersecurity, major events security and emergency response. Assistance had been provided by relevant regional and United Nations agencies and bodies.

Norway

33. The Government of Norway reported that it had ratified the International Convention for the Suppression of Acts of Nuclear Terrorism on 20 February 2014. In June 2013, Norway had amended its General Civil Penal Code of 1902 to criminalize the preparation of terrorism, receiving terrorist training and participation in terrorist organizations.

Paraguay

34. The Government of Paraguay reiterated the information contained in paragraph 71 of A/66/96, and indicated that it was a signatory to the following international and regional conventions to combat terrorism and its financing: International Convention for the Suppression of the Financing of Terrorism; International Convention for the Suppression of Acts of Nuclear Terrorism; International Convention for the Suppression of Terrorist Bombings; Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance; Inter-American Convention against Terrorism; joint communiqué of the Presidents of the Rio Group on combating terrorism adopted at the XVIII Summit of the Rio Group; and Memorandum of Understanding among the Governments of the States of the Financial Action Task Force of South America against Money-Laundering.

35. Paraguay described forums for international cooperation within which it collaborated. Its Secretariat for the Prevention of the Laundering of Money and Property was part of the Egmont Group of Financial Intelligence Units, which had been established in 1995 with the aim of stimulating international cooperation, particularly in the areas of information exchange, training and the sharing of expertise. As part of its international cooperation, that Secretariat used the Egmont Secure Web system to request information on money-laundering and the financing of terrorism, as well as in relation to the freezing of assets. Paraguay also indicated that it was a founding member of the Financial Action Task Force of South America against Money-Laundering, a regional intergovernmental organization bringing

together 12 countries from South America, Central America and North America to combat money-laundering and the financing of terrorism by means of a commitment to the continuous improvement of national policies in relation to both issues, and the enhancement of different cooperation mechanisms among its member countries. It was a regional group belonging to the international network of organizations dedicated to preventing and combating money-laundering and the financing of terrorism. At the core of the network was the Financial Action Task Force, whose secretariat was located within the headquarters of the Organization for Economic Cooperation and Development in Paris. The Financial Action Task Force had issued the Forty Recommendations, which all its member countries were required to implement through their national legislation.

36. Paraguay set out the details of its inter-institutional cooperation and the security of the interconnected information system on counter-terrorism. Any requests received by the Secretariat for the Prevention of the Laundering of Money and Property from public entities were entered into a database as a suspicious transaction report and were therefore handled in the same way as a suspicious transaction report received from a reporting entity. That Secretariat provided training on the prevention of money-laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction to both reporting entities and other State entities. Technical support was also provided to other State entities.

37. Paraguay provided information on its national acts, decrees, resolutions and circulars focused on counter-terrorism measures. The national strategic plan to combat money-laundering, the financing of terrorism and the financing of proliferation of weapons of mass destruction had been launched on 11 June 2013. The plan was essentially technical in nature, with characteristics and particular strengths in line with the most recent and up-to-date amendments to the relevant international standards, such as the revised Forty Recommendations adopted by the Financial Action Task Force. It had cross-cutting objectives affecting the whole national system and relating to combating money-laundering, the financing of terrorism and the proliferation of weapons of mass destruction. The plan had four components (prevention, detection and intelligence, investigation and prosecution, and cross-cutting aspects), and was divided into 22 strategic objectives.

Russian Federation

38. The Government of the Russian Federation indicated that the basis for its counter-terrorism activities remained Federal Law No. 35-FZ of 6 March 2006 and Presidential Decree 116 of 15 February 2006, which had led to the adoption of over 20 federal laws, 16 presidential decrees, 39 government decisions and approximately 50 interdepartmental and departmental legislative acts. In 2012, Federal Law No. 35-FZ had been amended; a presidential decree on establishing the level of terrorist threat in order to further ensure the security of the individual, society and the State had been issued; and government decisions on protecting the fuel-energy complex against terrorism had been made. In 2013, Federal Law 302-FZ of 2 November added an article (205.3) to the Criminal Code, under which the undergoing of training to commit terrorist acts was criminalized, in order to implement into domestic law article 7 of the Council of Europe Convention on the Prevention of Terrorism; Federal Law 180-FZ of 2 July amended Russian legislation to allow restrictions to be placed on individuals founding, participating in or

becoming members of religious organizations, in order to eliminate the incitement of extremist activity on the part of religious organizations; and Federal Law 398-FZ of 28 December amended the Federal Law on information, information technology and protection of information, with the aim of better protecting society from unlawful information disseminated via information and telecommunications networks, including the Internet.

39. As per Federal Law 115-FZ of 7 August 2001, the Federal Financial Monitoring Service (Rosfinmonitoring) continued to request customer and transaction details from financial institutions as part of its focus on money-laundering and the financing of terrorism as the basis for freezing the assets of terrorism suspects. It maintained a list of natural and legal persons suspected of involvement in extremist or terrorist activity that included 80 organizations and 364 individuals, 53 terrorist and extremist organizations that had been banned from operating by decisions of the Supreme Court, and over 2,500 individuals charged with criminal offences under the relevant articles. In 2013, Rosfinmonitoring received over 900 asset-freeze notices relating to names on the list. In 2013, Rosfinmonitoring had concluded cooperation agreements on the countering of money-laundering and the financing of terrorism with the financial intelligence units of Cuba, Fiji, Mali, Poland, Saudi Arabia, Slovakia and Uzbekistan and memorandums of understanding with the authorities of Japan and Senegal.

40. In 2013, the judicial branch in the Russian Federation had examined 215 terrorism-related criminal cases concerning 302 individuals (compared with 231 terrorism-related criminal cases concerning 312 individuals in 2012). Of that number, 31 had been prosecuted under article 205 (terrorist acts) of the Criminal Code. The courts had deemed 34 organizations to be extremist and 20 organizations to be terrorist, and had banned them from operating in the Russian Federation. They included Nurcular, Al-Takfir wal-Hijra and Tablighi Jamaat. In 2013, the Office of the Prosecutor General of the Russian Federation had signed 7 international cooperation agreements (compared with 10 in 2012) on combating organized crime and terrorism with the authorities of Belgium, the Czech Republic, Israel, Mauritius, Panama, Spain and the State of Palestine.

41. In 2013, the Russian Federation stated that it had destroyed 530 hiding places and bases for fighters, defused 314 improvised explosive devices and discovered over 250 kilograms of explosives, over 1,200 firearms, about 9,000 rounds and grenades and over 183,000 units of ammunition of various calibres. The security and police services had disrupted and halted the activities of over 100 adherents of terrorist groups, including the Islamic Party of Turkestan, the Islamic Jihad, Jama'at-ul-Mujahideen, Hizb ut-Tahrir-al-Islami, Jabhat al-Nusra and the Muslim Brotherhood.

42. The Russian Federation highlighted several counter-terrorism exercises that it had conducted during the reporting period, including the Vigilant Skies exercise of the North Atlantic Treaty Organization (NATO)-Russia Council Cooperative Airspace Initiative and the "Ala-Too-Anti-Terror 2013" joint counter-terrorism exercise of the Commonwealth of Independent States. The Russian Federation also highlighted its continuing involvement in the Anti-Terrorism Centre of the Commonwealth of Independent States and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization.

Slovenia

43. The Government of Slovenia reiterated the information contained in A/68/180, paragraphs 52 and 53. Slovenia also reported that it had taken part in the preparatory meetings for the annual working meeting of the Initiative for International Police Cooperation in the Field of Anti-Terrorist Activity, which involved Austria, Croatia, the Czech Republic, Slovenia and the western Balkan countries. Those meetings were also attended by representatives of the European Union Rule of Law Mission in Kosovo and of Europol.

44. During the reporting period, there had been no international terrorism-related incidents in Slovenia. Furthermore, Slovenia had not undertaken any prosecutions or imposed any penalties for acts of international terrorism.

Spain

45. The Government of Spain reported on bilateral agreements with Côte d'Ivoire, Panama, Qatar, the Republic of Moldova, Saudi Arabia and Uzbekistan on counter-terrorism that had been signed or had entered into force. Spain highlighted its financial contributions to the Terrorism Prevention Branch of UNODC and to the Counter-Terrorism Implementation Task Force. Spain also highlighted its financial contributions to and collaboration with the African Union with regard to its counter-terrorism activities.

46. Spain reported on national legislative endeavours during the reporting period in relation to protecting and assisting victims of terrorism: the amendment to Law 29/2011 of 22 September 2011, on recognition and comprehensive protection of victims of terrorism, which allowed for the consideration of certain improvements in the labour rights of victims of terrorism; the approval of the regulations for Law 29/2011 (Royal Decree 671/2013 of 6 of September 2013); the amendment of article 21 of Law 29/2011 by the 2014 General State Budget Act (Law 22/2013 of 23 December 2013) in order to expressly address subrogation of the holding of the right to credit and to enable the application of speedy administrative procedures for payment of the amount of assistance by the national Government as a result of the compensation awarded in a criminal sentence, in order to speed up the management for recovering the amounts paid; and the Amendment of the Consolidated Text of the General Social Security Act for the purpose of considering the demand for new requirements for obtaining prison release grants for released terrorists and released convicts who had not satisfied the civil liabilities arising from their criminal offences.

47. Spain also reported on the drafting of the "National strategic plan to combat violent radicalization: a framework for respect and mutual understanding", to be approved in 2014, within the framework of its Comprehensive Strategy to Combat International Terrorism and Radicalization. Spain highlighted the following noteworthy activities of its National Counterterrorism Coordination Centre: (a) the organization of a working group for legislative analysis on combating jihadist terrorism and radicalization; (b) the development of the Plan to Combat the Funding of Jihadist Terrorism; and (c) coordination of the project "Critical infrastructure: improvement of security control against the terrorist threat", which was aimed at improving the exchange of information between the authorities of European Union member States and the private sector in the area of protection from terrorism threats and online radicalization.

48. A seminar had been held in Madrid in 2013, within the framework of the European Commission Radicalization Awareness Network working group on victims of terrorism, on the participation of victims in the educational system to disseminate messages against terrorism in schools. On 17 and 18 September 2013, Spain had sponsored a workshop on counter-terrorism cooperation in the Mediterranean Basin, which had been held in Malaga in collaboration with France and Switzerland and co-organized by the Organization for Security and Cooperation in Europe (OSCE) and UNODC. Spain highlighted the adoption, in September 2013, by all States members of the Global Counter-Terrorism Forum, of the Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings. Following the adoption of the Memorandum, a workshop had been held in Madrid in October 2013 on the role of religious scholars and other experts in deradicalization in prisons.

49. Spain reported that the number of arrests that had taken place in the country in 2013 for criminal offences of terrorism (both home-grown and international) was 90, which was a sharp rise compared with 2012, when there had been 38. That was a result of the effectiveness of police and judicial investigations and not of increased terrorist activity in Spain. That activity had comprised 33 actions in 2013, as opposed to 54 in 2012. No terrorist actions had been committed in Spain in connection with international groups. Spain additionally noted that there had been a sharp rise in the number of arrests in relation to terrorist activity, a total of 31 individuals, 20 of them linked to jihadism and the other 11 to international terrorist groups (the Kurdistan Workers Party (PKK) and Shining Path). In 2012, nine people had been arrested.

Sweden

50. The Government of Sweden reported that it was a party to 16 universal counter-terrorism instruments and to 17 Council of Europe counter-terrorism instruments. In 2012, the Scania and Blekinge Court of Appeal had acquitted a person charged with the crime of preparation for terrorism.

Syrian Arab Republic

51. The Government of the Syrian Arab Republic reiterated the information contained in paragraphs 73-76 of A/68/180. Furthermore, the Syrian Arab Republic reported that Legislative Decree No. 20 of 2013 criminalized abduction as a terrorist offence.

52. The Syrian Arab Republic stated that it had been subjected to terrorist crimes and attacks, some linked to Al-Qaida, including by the entities known as Al-Nusrah Front and Islamic State in Iraq and the Levant, which had been included on the list established and maintained by the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. It noted that thousands of foreign terrorist fighters had come to the country from over 80 Member States, a phenomenon which must be addressed with effective measures. Action must be taken to prevent the use of the media and the Internet for incitement, for the recruitment, support or funding of terrorists and extremists and for the planning of terrorist operations. The Syrian Arab Republic called for increased cooperation, information exchange and effective collaboration to cut off the financing, supply and armament networks of terrorist groups.

B. Information received from international organizations

International Civil Aviation Organization

53. The International Civil Aviation Organization (ICAO) provided an updated list of the legal instruments that it had adopted, and the number of States parties to each instrument, as at 30 May 2014, which was as follows: 185 parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft; 185 parties to the Convention for the Suppression of Unlawful Seizure of Aircraft; 188 parties to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; 173 parties to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; and 148 parties to the Convention on the Marking of Plastic Explosives for the Purpose of Detection. The Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft had been ratified or acceded to by eight and seven States, respectively. ICAO highlighted the 2014 adoption of the Protocol to amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft. The Protocol, *inter alia*, extended jurisdiction for offences committed on board civil aircraft to the State of landing and the State of the operator of the aircraft. As at 30 May 2014, 24 States had signed the Protocol.

54. ICAO reported that seven acts of unlawful interference with civil aviation had been recorded in 2013, including three involving attacks on aviation facilities. The Organization had disseminated an updated aviation security global Risk Context Statement that contained an analysis of global threats to civil aviation and had provided States with a methodology for the development of their own national risk assessments.

55. ICAO reported two regulatory changes made during the reporting period. The first mitigated the risk posed to air cargo and mail and to industry and airport personnel by terrorist threats. The second focused on strengthening measures for landside security at airports. Cooperation between ICAO and the relevant United Nations counter-terrorism bodies took the form of ICAO participation in missions conducted by the Counter-Terrorism Committee Executive Directorate or the provision, with the consent of the State concerned, of a brief summary of an aviation security audit.

56. ICAO reported on its Implementation Support and Development — Security Section, which provided assistance and capacity-building support to States in the area of aviation security. In the area of document security, at its 38th session, held in Montreal, Canada, in October 2013, the ICAO Assembly had endorsed the newly developed ICAO Traveller Identification Programme as a strategy for strengthening travel documents globally.

International Maritime Organization

57. The International Maritime Organization (IMO) reiterated the information contained in paragraphs 83 and 84 of A/68/180, and paragraph 50 of A/67/162, noting in particular the status of the instruments for which it acted as depositary. As at 10 May 2014, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation had 164 contracting States; the Protocol for the

Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf had 151 contracting States; the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation had 31 contracting States; and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf had 27 contracting States.

58. IMO also highlighted that, in order to assist States in developing and strengthening their capacities to ensure maritime security, it had conducted 78 country needs assessments and advisory missions and 102 national and 68 regional seminars, workshops or courses aimed at promoting greater understanding and implementation of the IMO maritime security measures that had resulted in the training of approximately 7,700 persons.

United Nations Office on Drugs and Crime

59. UNODC reiterated the nature of its assistance activities, as set out in paragraphs 88-91 of A/68/180. The Office had provided legislative assistance to 21 States, resulting in 23 new ratifications of international legal instruments and 16 new or revised pieces of counter-terrorism legislation. Capacity-building training had been provided to 2,127 national criminal justice officials through 86 workshops. The Office had continued its collation of specialized legal knowledge and tools, including in the area of assisting victims of acts of terrorism, and had developed a module on human rights in the criminal justice responses to terrorism and a module on transport-related (civil aviation and maritime) terrorism offences as part of its Counter-Terrorism Legal Training Curriculum.

International Atomic Energy Agency

60. The International Atomic Energy Agency (IAEA) provided information that, as at 30 May 2014, there were 149 parties to the Convention on the Physical Protection of Nuclear Material and 76 contracting States to the Amendment to the Convention on the Physical Protection of Nuclear Material. During 2013, 10 States had ratified, accepted or approved the Amendment. The Agency had also organized two workshops to promote adherence to and implementation of the instrument. Calls for all Member States to become parties to the Convention and to ratify, accept or approve its Amendment as soon as possible had been made by way of a ministerial declaration at the International Conference on Nuclear Security held in Vienna in July 2013, and by the General Conference at its 57th regular session, in its resolution (GC(57)/RES/10). In that resolution, the General Conference had also encouraged member States to become parties to the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible.

Organization of American States

61. The Organization of American States (OAS) reported that the Inter-American Committee against Terrorism, created in 1999, was the primary body within the Inter-American system with the responsibility for the protection against terrorism. OAS also described the 12 capacity-building and technical assistance programmes of the Committee's secretariat, which were organized as five broad areas: border control, critical infrastructure protection, legislative assistance and combating terrorism financing, strengthening strategies on emerging terrorist threats (crisis

management), and international cooperation and partnerships. In 2013, 113 courses, seminars, consultations and technical assistance missions had been conducted for 4,181 participants.

62. A major focus of the Committee's cybersecurity efforts concerned, *inter alia*, the expansion and strengthening of public-private partnerships, and it had issued a number of reports and had conducted at least four workshops on mitigating vulnerable systems from cyberrisks. In 2013 in the area of maritime security, the Committee had concluded, *inter alia*, the Port Security Assistance Partnership Phase III. That phase of the Partnership had included projects on three main subprogrammes: port security assessments and follow-on training, crisis management exercises and best practice workshops. In 2013, three activities had been carried out under the Committee's Immigration and Customs Programme, including a specialized national workshop on immigration and customs controls that had been held in St. Kitts and Nevis in February.

63. In 2013, the Committee's Aviation Security Programme had worked to continue to assist member States in increasing their knowledge and ability to comply with the ICAO standards and recommended practices and other security methods. Under the Tourism Security Programme, relationships had continued to be developed with tourism security agencies around the region, creating a strong network of partners that included both public and private sector members. The Committee secretariat also conducted, *inter alia*, six training activities on tourism security in Antigua and Barbuda, Costa Rica, Dominica, Mexico and Peru. 2013 had marked the final year of the Committee's three-year project on capacity-building in travel document security and identity management in the Americas, under which capacity gap assessment missions on travel document security and identity management had been carried out. The major events programme had included, *inter alia*, a focus on gender equality and enhancing the role of women in major event security planning.

64. The Strengthening Strategies on Emerging Terrorist Threats Programme sought to strengthen the capacity of member States to respond to potential bio-terrorist threats. The programme had been implemented primarily through practical exercises and technical assistance missions to address specific issues and develop national response plans. Over the previous five years, the programme had provided critical training to over 1,000 government officials in over 30 member States. During 2013, 13 training activities had been held for more than 420 officials under the Committee's Legislative Assistance and Combating Terrorism Financing Programme. Also under that Programme, technical support had been provided for the drafting, and eventual passing, of counter-terrorism and counter-terrorism financing legislation in, for example, Panama, Peru and Suriname. OAS set out the main objective of the Committee's programme to implement Security Council resolution 1540 (2004), namely raising overall awareness and identifying the specific needs and challenges of member States with regard to the physical protection of and accounting for chemical, biological, radiological and nuclear materials related to the implementation of Security Council resolution 1540 (2004). Under the programme, *inter alia*, assistance activities had been carried out for Colombia, Mexico and Panama.

Organization for Security and Cooperation in Europe

65. OSCE stated that its role was to assist participating States, at their request and in close coordination with the United Nations and relevant specialized international organizations, in fulfilling their international obligations and their OSCE commitments to combating terrorism. It highlighted the 2012 OSCE Consolidated Framework for the Fight against Terrorism, in which the OSCE comprehensive approach to anti-terrorism was reiterated and strategic focus areas for OSCE counter-terrorism efforts were identified.

66. OSCE identified its strategic focus area of promoting the international legal framework against terrorism among participating States and partners for cooperation and the facilitation of cooperation in criminal matters. OSCE highlighted that another focus of its counter-terrorism efforts was assisting participating States in strengthening the security of travel documents and their issuance processes, in line with international standards.

67. OSCE had worked with government officials, counter-terrorism practitioners, researchers, civil society and the media to build up strategies, policies and good practices to prevent and counter the violent extremism and radicalization that led to terrorism, while upholding human rights and the rule of law. The Organization reported on the growing importance attached to countering the use of the Internet for terrorist purposes, and on its involvement of stakeholders from the private sector, the media and civil society in its anti-terrorism activities.

68. OSCE also reported on the activities of two of its subentities: the Office for Democratic Institutions and Human Rights, which was particularly active in the implementation of the United Nations Global Counter-Terrorism Strategy, in a manner consistent with respect for human rights and the rule of law; and the Office of the Coordinator of OSCE Economic and Environmental Activities, which was the focal point for coordinating the work of OSCE to combat money-laundering and the financing of terrorism. OSCE explained that the latter Office's work with participating States was guided by the 2003 OSCE Strategy Document for the Economic and Environmental Dimension and the 2012 OSCE Ministerial Council Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism. OSCE reported that much of its work with regard to the financing of terrorism was in support of the Financial Action Task Force recommendations.

Organization for the Prohibition of Chemical Weapons

69. The Organization for the Prohibition of Chemical Weapons (OPCW) reported that, as at 20 May 2014, there were 190 States parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

70. OPCW identified the continuing contribution of its technical secretariat to counter-terrorism efforts, as per decision EC-XXVII/DEC.5 of 7 December 2001 of its Executive Council, and its cooperation with the United Nations. The Open-Ended Working Group on Terrorism, established by the above-mentioned decision, had continued to meet regularly during the reporting period. OPCW reiterated the outcomes of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, as set out in paragraph 94 of A/68/180.

71. OPCW had also continued to verify the destruction of existing stockpiles of chemical weapons; to date nearly 82 per cent of all declared stockpiles had been eliminated. Since the Chemical Weapons Convention had entered into force, OPCW had also carried out more than 2,500 inspections at industrial facilities around the world. OPCW also highlighted its continuing operation, in a joint mission with the United Nations and with the support of several States parties, with regard to the Syrian chemical weapons stockpile.

III. Status of international legal instruments relating to the prevention and suppression of international terrorism

72. Currently, there are 41 instruments pertaining to international terrorism. Of those, 19 are universal (14 instruments and 5 recent amendments) and 22 are regional.

A. Universal instruments

United Nations

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973

International Convention against the Taking of Hostages, 1979

International Convention for the Suppression of Terrorist Bombings, 1997

International Convention for the Suppression of the Financing of Terrorism, 1999

International Convention for the Suppression of Acts of Nuclear Terrorism, 2005

International Atomic Energy Agency

Convention on the Physical Protection of Nuclear Material, 1979

Amendment to the Convention on the Physical Protection of Nuclear Material, 2005

International Civil Aviation Organization

Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963

Convention for the Suppression of Unlawful Seizure of Aircraft, 1970

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, 2010

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988

Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 2014

International Maritime Organization

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988

Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988

Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

B. Regional instruments

African Union

Organization of African Unity Convention on the Prevention and Combating of Terrorism, 1999

Protocol of 2004 to the Convention on the Prevention and Combating of Terrorism

Association of Southeast Asian Nations

Association of Southeast Asian Nations Convention on Counter-Terrorism, 2007

Commonwealth of Independent States

Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, 1999

Protocol of 2002 approving the procedure for organizing and conducting joint counter-terrorism activities in the States members of the Commonwealth of Independent States, 2002

Treaty of States Members of the Commonwealth of Independent States on Combating the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism, 2007

Cooperation Council for the Arab States of the Gulf

Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, 2004

Council of Europe

European Convention on the Suppression of Terrorism, 1977

Protocol amending the European Convention on the Suppression of Terrorism, 2003

Council of Europe Convention on the Prevention of Terrorism, 2005

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2005

League of Arab States

Arab Convention on the Suppression of Terrorism, 1998

Amendment of 2008 to the Arab Convention on the Suppression of Terrorism

Arab Convention on Combating Money-Laundering and the Financing of Terrorism, 2010

Organization of American States

Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, 1971

Inter-American Convention against Terrorism, 2002

Organization of the Black Sea Economic Cooperation

Additional Protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, 2004

Organization of Islamic Cooperation

Convention of the Organization of the Islamic Conference on Combating International Terrorism, 1999

Shanghai Cooperation Organization

Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2001

Shanghai Cooperation Organization Convention against Terrorism, 2009

South Asian Association for Regional Cooperation

South Asian Association for Regional Cooperation Regional Convention on Suppression of Terrorism, 1987

Additional Protocol of 2004 to the Regional Convention on Suppression of Terrorism

IV. Information on workshops and training courses on combating crimes connected with international terrorism

Spain

73. Spain reported that it had planned a seminar for late 2014, to be held in cooperation with the Counter-Terrorism Committee Executive Directorate. The purpose of the seminar was to discuss and share best practices in assisting victims of terrorism in criminal proceedings.

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**Criminal accountability of United Nations officials
and experts on mission**

Criminal accountability of United Nations officials and experts on mission

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraphs 16 and 17 of General Assembly resolution 68/105. Section II contains information received from Governments on the extent to which jurisdiction, in particular over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, is established under their national laws. Section III provides information on cooperation among States and with the United Nations in the exchange of information and the facilitation of investigations and prosecution of such individuals. Sections IV and V relate to information on the activities within the Secretariat.

* A/69/150.



I. Introduction

1. In its resolution 68/105, the General Assembly requested the Secretary-General to report on the implementation of the resolution, in particular with respect to its paragraphs 3, 5 and 9, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat.
2. By a note verbale dated 14 January 2014, the Secretary-General drew the attention of all States to that resolution and requested them to submit relevant information.
3. The present report provides information on efforts undertaken in that regard. Sections II and III concern activities and information received relating to the criminal accountability of United Nations officials and experts on mission, as required under paragraphs 3 to 5, 9 and 15 of resolution 68/105. Sections IV and V of the report relate to activities undertaken within the Secretariat in the implementation of paragraphs 6, 7 and 9 to 14 of the resolution, focusing in particular on information regarding the bringing of credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto.
4. The present report should be read together with previous reports of the Secretary-General under this item (A/63/260 and Add.1, A/64/183 and Add.1, A/65/185, A/66/174 and Add.1, A/67/213 and A/68/173). Attention is also drawn to the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/68/756) (see in particular paras. 18 and 44 to 49).

II. Establishment of jurisdiction over crimes of a serious nature

Colombia

5. Colombia stated that the basis for characterizing offences as serious crimes under international law should be criminalization under the Rome Statute of the International Criminal Court. Under national legislation, there is no specific category of "crimes of a serious nature". However, all forms of conduct characterized as serious crimes under international law, including genocide, crimes against humanity and war crimes, are criminalized under the Penal Code.
6. Under articles 4 and 95 of the Constitution, all persons in Colombian territory must abide by the laws of the Republic, while all persons within the territorial boundaries set forth in article 101 of the Constitution are subject to the laws prescribed by the Colombian legislature. While the territoriality principle remains the primary jurisdictional basis within the national criminal system of Colombia, as confirmed by article 14 of the Penal Code,¹ article 29 of the Code of Penal Procedure provides for the extraterritorial application of national criminal law to Colombian nationals who commit crimes abroad (in particular, the serious crimes listed in the Rome Statute), while serving as United Nations officials or experts on

¹ Article 14 of the Penal Code provides that Colombian penal law shall apply to all persons who infringe that law in the national territory, subject to the exceptions specified in the international treaties and conventions ratified by Colombia.

mission. It specifically provides that the criminal courts are responsible for prosecuting and judging crimes committed in the national territory, in addition to those committed abroad as determined by the international treaties signed and ratified by Colombia and national legislation. Such extraterritorial applications of jurisdiction, set out in article 16 of the Penal Code, include the extraterritoriality of penal law in order to defend the State and the extraterritorial application of Colombian criminal law to nationals other than public officials, if the national is present in Colombia after having committed a crime on foreign soil, where the penalty under Colombian penal law is a term of imprisonment of at least two years and such person has not been tried abroad. In particular, under paragraphs 2 and 3, the application of Colombian law can be extended to the extraterritorial conduct of its public officials in instances in which any person who is in the service of the Colombian State who enjoys immunity under international law commits a crime abroad, or where any person who is in the service of the Colombian State who does not enjoy immunity under international law commits a crime abroad, where such person has not stood trial abroad. The Military Penal Code also extends its scope to crimes committed by members of the armed forces on active duty outside Colombia in respect of those crimes committed by members of the armed forces on active duty inside or outside the country, when those crimes are the direct result of the military or police duties assigned to them by the Constitution, laws and regulations.

El Salvador

7. El Salvador reiterated the information contained in previous reports of the Secretary-General (see A/65/185, para. 17, and A/67/213, para. 4), confirming in particular that the principles of territoriality, nationality and universality were provided for under the Salvadorian Penal Code, thereby allowing the prosecution of crimes committed by individuals within Salvadorian territory, or outside of it when certain requirements were met. Moreover, the Salvadorian armed forces took steps to sign a memorandum of understanding with the host country before a mission began operations in order to ensure that any official or expert committing an act constituting a crime would be extradited for prosecution in El Salvador. At the time of reporting, no cases of Salvadorian nationals committing crimes while on mission had been reported.

Finland

8. During the reporting period, no allegations, investigations or proceedings against Finnish nationals had been brought to the attention of Finland, nor had crimes of a serious nature been committed by its nationals in the service of the United Nations as officials or experts on missions. Should such allegations be made, however, all appropriate measures would be taken to investigate and prosecute those crimes in accordance with applicable national law.

III. Cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions

Colombia

9. Colombia stated that international cooperation in criminal legal matters was governed primarily by international agreements and conventions signed by Colombia. Accordingly, only in the absence of an international instrument does Colombian law apply, pursuant to article 499 of Act No. 600 of 2000 (former Code of Penal Procedure). Article 485 of Act No. 906 of 2004 (Code of Penal Procedure currently in force) establishes the possibility of seeking assistance from foreign authorities or international organizations in initiating investigations of crimes committed abroad; article 486 provides for the transfer of witnesses and experts and to obtain evidence from foreign territories when necessary; and article 487 encourages the exploration of adequate ways and means of responding to requests by host States for support and assistance.

10. Colombia emphasized that its legal system contained the laws and statutes necessary to facilitate and ensure the collection and submission of evidence and to guarantee the incorporation, in any trial in Colombia, of information and evidence obtained by the United Nations. In particular, the Attorney General may enter into agreements with his or her counterparts in other countries for the purpose of strengthening judicial cooperation and sharing technology, experiences or training or any other activities with similar aims.

11. Concerning the protection of victims, Colombia noted that article 133 of Act No. 906 of 2004 obligated the Office of the Attorney General to implement such measures as are necessary to attend to the needs of victims and guarantee their personal security, in addition to that of their family members, and to protect them against any publicity that may constitute an undue attack on their private lives or dignity. Any measures to care for and protect victims shall not impinge on the rights of accused persons or on the right to a fair and impartial trial, nor shall they be incompatible with those rights.

IV. Bringing credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto

12. In paragraphs 9 to 14, 16 and 17 of its resolution 68/105, the General Assembly urged Member States to provide information to the Secretary-General, requested the Secretary-General to provide certain information to the Assembly and requested the United Nations to take certain measures concerning the issue of criminal accountability of officials and experts on mission.

Referrals in relation to officials or experts on mission

13. The request in paragraph 9 of resolution 68/105 is similar to that made by the Assembly in paragraph 9 of its resolutions 67/88 (see A/68/173), 66/93 (see A/67/213), 65/20 (see A/66/174), 64/110 (see A/65/185), 63/119 (see A/64/183) and 62/63 (see A/63/260).

14. The information provided herein relates to the period from 1 July 2013 to 30 June 2014. During that period, and with reference to the request in paragraph 17 of the resolution, the Office of Legal Affairs referred to States of nationality, through the permanent missions concerned, the cases of 15 United Nations officials for investigation and possible prosecution. Of those cases, five concerned allegations of theft, five concerned allegations of misuse of information and communication technology resources and/or data, and each of the rest concerned allegations of undue private gain, outside activity, abuse of position and conflict of interest; procurement fraud; forgery and procurement fraud; abuse of position and conflict of interest; and entitlement fraud, respectively.

Requests for indication of status and assistance that may be provided by the Secretariat

15. The Office of Legal Affairs requested the States to which the cases were referred during the reporting period to keep the United Nations informed of any action taken by the national authorities in relation to those cases. As at the date of preparation of the present report, no States to which the referrals were made had contacted the Office to note that the matter had been raised with the relevant officials. The Office remains ready to assist with all referrals made.

16. Details of earlier requests by the Secretariat for information from States on how they were handling cases previously referred to them are contained in the previous reports of the Secretary-General on the subject (see A/64/183, para. 63; A/65/185, paras. 85-86; A/66/174, paras. 62-63; A/67/213, paras. 36-37; and A/68/173, paras. 19-20).

Possible use by States exercising jurisdiction of information from United Nations investigations

17. In paragraph 11 of its resolution 68/105, the General Assembly requested the United Nations, when its investigations into allegations suggested that crimes of a serious nature might have been committed by United Nations officials or experts on mission, to consider any appropriate measures that might facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations. In the same vein, in paragraph 13 of that resolution, the Assembly urged the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States.

18. In that regard, it is important to recall that the legal framework within which the referrals are made by the United Nations and the role of the Secretary-General have been outlined previously (see A/63/260, sect. IV).

19. The United Nations cooperates with law enforcement and judicial authorities of relevant Member States in accordance with its rights and obligations under the Convention on the Privileges and Immunities of the United Nations of 1946, in addition to other relevant international agreements and applicable legal principles. Accordingly, the Organization will disclose documents and/or information and waive immunity on a case-by-case basis where, in the opinion of the Secretary-General, immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Consequently, information obtained by the Organization may be provided to the relevant authorities, and documents may be shared, subject to consideration of confidentiality and privileges and immunities. Documents may be redacted where necessary. It should be noted that, given that the United Nations has no criminal investigative or prosecutorial jurisdiction, the use of any documents or information provided by the United Nations, including their admissibility in any legal proceedings, is a matter for determination by the relevant judicial authorities to which such documents or information have been provided.

Protection of United Nations officials and experts on mission from retaliation

20. In paragraph 12 of its resolution 68/105, the General Assembly encouraged the United Nations, should allegations against United Nations officials or experts on mission be determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and reputation of such officials and experts on mission. Moreover, the Assembly, in paragraph 14 of the resolution, emphasized that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who reported allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission.

21. In this regard, United Nations officials who report misconduct by other United Nations officials or experts on mission are protected against retaliation under the staff regulations, rules and relevant administrative issuances, in particular the Secretary-General's bulletin entitled "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations" (ST/SGB/2005/21), which was issued with the objective of protecting individuals who report misconduct or cooperate with duly authorized audits or investigations. In addition, it should be noted that staff members may appeal against any retaliatory measure through the internal justice system.

V. Other practical measures to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training

22. The Department of Peacekeeping Operations and the Department of Field Support, with the assistance of conduct and discipline personnel deployed in field missions supported by the Department of Field Support, continued to conduct awareness-raising activities for personnel serving in those field missions, including by emphasizing the obligation of all United Nations personnel to observe the laws of the host State, in addition to possible consequences in terms of accountability should United Nations personnel fail to do so.

23. Furthermore, an accountability framework was developed, and will begin to be implemented in the third quarter of 2014, to measure the performance of field missions in connection with a number of indicators relating to conduct and discipline, including referrals by field missions for investigations to be conducted by law enforcement bodies of host States or recommendations to be made by field missions for referrals for criminal accountability to be made, as envisaged under the relevant General Assembly resolutions. In respect of referrals by field missions, when referring substantiated allegations of misconduct for disciplinary action, heads of mission are expected to consider whether it would be appropriate for such matters also to be referred to national authorities for prosecution and provide an analysis in that regard. As part of the accountability framework, field missions will be requested to report on a quarterly basis on their performance, including in meeting expectations relating to the two indicators identified above.
